

sional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

## (2) Drugs

The term “drug” means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act [21 U.S.C. 812].

(Pub. L. 101-336, title V, §510, July 26, 1990, 104 Stat. 375.)

### REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (d)(1), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 29 sections 791, 793, 794.

## § 12211. Definitions

### (a) Homosexuality and bisexuality

For purposes of the definition of “disability” in section 12102(2) of this title, homosexuality and bisexuality are not impairments and as such are not disabilities under this chapter.

### (b) Certain conditions

Under this chapter, the term “disability” shall not include—

- (1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (2) compulsive gambling, kleptomania, or pyromania; or
- (3) psychoactive substance use disorders resulting from current illegal use of drugs.

(Pub. L. 101-336, title V, §511, July 26, 1990, 104 Stat. 376.)

## § 12212. Alternative means of dispute resolution

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, fact-finding, minitrials, and arbitration, is encouraged to resolve disputes arising under this chapter.

(Pub. L. 101-336, title V, §513, July 26, 1990, 104 Stat. 377.)

## § 12213. Severability

Should any provision in this chapter be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the chapter, and such action shall not affect the enforceability of the remaining provisions of the chapter.

(Pub. L. 101-336, title V, §514, July 26, 1990, 104 Stat. 378.)

## CHAPTER 127—COORDINATED SERVICES FOR CHILDREN, YOUTH, AND FAMILIES

Sec.

12301. Findings.

Sec.

12302. Definitions.

### SUBCHAPTER I—ESTABLISHMENT OF ADMINISTRATION AND AWARDING OF GRANTS FOR PROGRAMS

#### PART A—ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

12311. Establishment of Administration on Children, Youth, and Families.
  - (a) In general.
  - (b) Commissioner.
12312. Functions of Commissioner.
  - (a) In general.
  - (b) Encouragement of volunteerism.
12313. Federal agency consultations.
  - (a) In general.
  - (b) Interagency agreements.
12314. Federal Council on Children, Youth, and Families.
  - (a) Establishment.
  - (b) Number of members.
  - (c) Term of membership.
  - (d) Appointment of members.
  - (e) Vacancy.
  - (f) Reappointment.
  - (g) Expiration of term.
  - (h) Travel expenses.
  - (i) Chairperson.
  - (j) Meetings.
  - (k) Duties of Council.
  - (l) Staff.
  - (m) Information and assistance.
  - (n) Reports.
  - (o) Authorization of appropriation.
  - (p) Termination.
12315. Administration.
  - (a) Duties of Commissioner.
  - (b) Utilization of services and facilities.
  - (c) Reservation of funds.

#### PART B—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES.

12331. Purpose.
12332. Definitions.
12333. Establishment of programs.
12334. Administration.
  - (a) In general.
  - (b) Technical assistance.
12335. State plan.
  - (a) Submission of plan.
  - (b) Revisions of plan.
  - (c) Content of plan.
  - (d) Type of application.
  - (e) Approval of plan.
12336. Independent State body.
  - (a) Designation.
  - (b) Existing entity.
12337. State coordination of services.
  - (a) Authority.
  - (b) Application.
  - (c) Use of grants to States.
  - (e) Supplement not supplant.
  - (f) Relationship to family resource and support program grants.
12338. Supportive services.
  - (a) Authority.
  - (b) Eligible services.
12339. Repealed.
12340. Authorization of appropriation and allotment.
  - (a) Administration on children, youth, and families; State coordination; supportive services.
  - (b) Determination of age.
  - (c) Transfer of allotted funds.
  - (d) Repealed.
  - (e) Limitation.
  - (f) Grants for Indians.

Sec.

(g) Limitation.

## PART C—NATIONAL CLEARINGHOUSE

12351. Findings and purpose.

(a) Findings.

(b) Purpose.

12352. “Family resource and support programs” defined.

12353. Establishment of National Center on Family Resource and Support Programs.

(a) Establishment.

(b) Functions.

12354. Evaluation.

12355. Authorization of appropriations.

(a) Establishment of Center.

(b) Evaluation

## SUBCHAPTER II—WHITE HOUSE CONFERENCE ON CHILDREN, YOUTH, AND FAMILIES

12371. Findings.

(a) Findings.

(b) Statement of policy.

12372. Authority of President and Secretary; final report.

(a) Calling of Conference.

(b) Purposes of Conference.

(c) Conference participants and delegates.

12373. Conference administration.

(a) Administration.

(b) Duties.

12374. Conference committees.

(a) Advisory committee.

(b) Other committees.

(c) Composition of committees.

(d) Compensation.

12375. Report of Conference.

(a) Proposed report.

(b) Response to proposed report.

(c) Final report.

12376. Definitions.

12377. Authorization of appropriations.

(a) Authorization.

(b) Return of unexpended funds.

(B) adequate and safe physical shelter;

(C) a high level of educational opportunity;

(D) effective training, apprenticeships, opportunities for community service, and productive employment and participation in decisions affecting their lives;

(E) a wide range of civic, cultural, and recreational activities that recognize young Americans as resources and promote self-esteem and a stake in the communities of such Americans; and

(F) comprehensive community services that are efficient, coordinated, readily available, and involve families of young individuals.

(Pub. L. 101-501, title IX, §902, Nov. 3, 1990, 104 Stat. 1262.)

## EFFECTIVE DATE

Chapter effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as an Effective Date of 1990 Amendment note under section 8621 of this title.

## SHORT TITLE

Section 901 of title IX of Pub. L. 101-501 provided that: “This title [enacting this chapter] may be cited as the ‘Claude Pepper Young Americans Act of 1990’.”

Section 955 of Pub. L. 101-501 provided that: “This chapter [chapter 3 (§§955-960) of subtitle A of title IX of Pub. L. 101-501, enacting part C of subchapter I of this chapter] may be cited as the ‘Family Resource Act’.”

Section 981 of Pub. L. 101-501 provided that: “This subtitle [subtitle B (§§981-988) of title IX of Pub. L. 101-501, enacting subchapter II of this chapter] may be cited as the ‘1993 White House Conference on Children, Youth, and Families’.”

## COMMISSION ON CHILD AND FAMILY WELFARE

Pub. L. 102-521, §5, Oct. 25, 1992, 106 Stat. 3406, provided for establishment, membership, etc., of a Commission on Child and Family Welfare, specified that among other duties the Commission compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts, and juvenile courts, directed Commission to submit to President and Congress an interim report no later than Jan. 1, 1994, and a final report no later than Jan. 1, 1995, containing a detailed statement of the findings and conclusions of the Commission, together with recommendations for such legislation and administrative actions as considered appropriate, and directed that the Commission terminate 90 days after the date it submitted its final report.

## § 12302. Definitions

As used in this chapter:

## (1) Commissioner

The term “Commissioner” means the Commissioner of the Administration on Children, Youth, and Families, as established under section 12311 of this title.

## (2) Council

The term “Council” means the Federal Council on Children, Youth, and Families, as established under section 12314(a) of this title.

## (3) Nonprofit

The term “nonprofit”, as applied to any agency, institution, or organization, means an agency, institution, or organization that is, or

## § 12301. Findings

Congress finds that—

(1) children and youth are inherently the most valuable resource of the United States;

(2) the welfare, protection, healthy development, and positive role of children and youth in society are essential to the United States;

(3) children and youth deserve love, respect, and guidance, as well as good health, shelter, food, education, productive employment opportunities, and preparation for responsible participation in community life;

(4) children and youth have increasing opportunities to participate in the decisions that affect their lives;

(5) the family is the primary caregiver and source of social learning and must be supported and strengthened;

(6) when a family is unable to ensure the satisfaction of basic needs of children and youth it is the responsibility of society to assist such family; and

(7) it is the joint and several responsibility of the Federal Government, each State, and the political subdivisions of each State to assist children and youth to secure, to the maximum extent practicable, equal opportunity to full and free access to—

(A) the best possible physical and mental health;

is owned and operated by, one or more corporations or associations, no part of the net earnings of which may lawfully inure to the benefit of any private shareholder or individual.

**(4) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

**(5) State**

The term “State” includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

**(6) Young individual**

The term “young individual” means any child or youth from birth to 21 years of age.

(Pub. L. 101-501, title IX, §903, Nov. 3, 1990, 104 Stat. 1262.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER I—ESTABLISHMENT OF ADMINISTRATION AND AWARDING OF GRANTS FOR PROGRAMS

PART A—ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

**§ 12311. Establishment of Administration on Children, Youth, and Families**

**(a) In general**

There is established within the Department of Health and Human Services an Administration on Children, Youth, and Families.

**(b) Commissioner**

**(1) Establishment**

**(A) In general**

The Administration on Children, Youth, and Families, as established under subsection (a) of this section, shall be headed by a Commissioner on Children, Youth, and Families.

**(B) Omitted**

**(2) Appointment**

The President, by and with the advice and consent of the Senate, shall appoint the Commissioner.

(Pub. L. 101-501, title IX, §915, Nov. 3, 1990, 104 Stat. 1263.)

CODIFICATION

Section is comprised of section 915 of Pub. L. 101-501. Subsec. (b)(1)(B) of section 915 of Pub. L. 101-501 amended section 5316 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12302 of this title.

**§ 12312. Functions of Commissioner**

**(a) In general**

The Commissioner shall—

(1) serve as the effective and visible advocate for children, youth, and families within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities, as appropriate, concerning Federal policies affecting young individuals, and the families of young individuals;

(2) collect and disseminate information related to the problems of young individuals and the families of such individuals;

(3) assist the Secretary in appropriate matters pertaining to young individuals, and the families of such individuals;

(4) administer the grants authorized under this subchapter;

(5) develop plans and conduct research in the field of young individuals, and the families of such individuals;

(6) assist, to the maximum extent practicable, in the establishment and implementation of programs designed to meet the needs of young individuals for supportive services including—

(A) health and mental health services;

(B) housing and shelter assistance;

(C) education and training services;

(D) protective services;

(E) foster care;

(F) teen parenting support;

(G) child care;

(H) family support and preservation;

(I) teen pregnancy prevention and counseling;

(J) counseling on the effects of violence in the communities of such individuals and their families;

(K) recreational and volunteer opportunities; and

(L) comprehensive early childhood development;

(7) provide technical assistance and consultation to States and the political subdivisions of such States with respect to programs for young individuals;

(8) prepare, publish, and disseminate educational materials concerning the welfare of young individuals;

(9) gather statistics concerning young individuals, and the families of such individuals, that other Federal agencies are not collecting;

(10) to the maximum extent practicable coordinate activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to young individuals and the families of such individuals;

(11) stimulate more effective uses of existing resources and available services for young individuals and the families of such individuals;

(12) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under this chapter;

(13) convene conferences of authorities and officials of organizations, including Federal, State, and local agencies, and nonprofit private organizations, of programs for children, youth and their families for the development

and implementation of policies related to the priorities and purposes of this chapter, including topics such as the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;

(14) conduct periodic evaluations of the programs and activities related to the purposes of this chapter; and

(15) develop, in coordination with other agencies, methods to ensure adequate training for personnel concerning children, youth and families and to ensure the adequate dissemination of such information to appropriate State and community agencies.

**(b) Encouragement of volunteerism**

In executing the duties and functions of the Administration under this subchapter and in carrying out the programs and activities authorized under this chapter, the Commissioner, in consultation with the Chief Executive Officer of the Corporation for National and Community Service, shall take necessary steps to coordinate with and seek the advice of voluntary agencies and organizations that provide services related to the purposes of this chapter.

(Pub. L. 101-501, title IX, §916, Nov. 3, 1990, 104 Stat. 1263; Pub. L. 103-82, title IV, §405(o), Sept. 21, 1993, 107 Stat. 922.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82 substituted “the Chief Executive Officer of the Corporation for National and Community Service” for “the Director of the ACTION Agency”.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103-82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

**§ 12313. Federal agency consultations**

**(a) In general**

The Commissioner shall consult and cooperate with the heads of all appropriate Federal agencies or departments administering programs or services that are substantially related to the purposes of this chapter.

**(b) Interagency agreements**

To the extent practicable, the Commissioner shall facilitate cooperation through the entering into of interagency agreements.

(Pub. L. 101-501, title IX, §917, Nov. 3, 1990, 104 Stat. 1265.)

**§ 12314. Federal Council on Children, Youth, and Families**

**(a) Establishment**

There is established a Federal Council on Children, Youth, and Families.

**(b) Number of members**

The Council shall be composed of 18 members to be appointed in accordance with subsection (d) of this section.

**(c) Term of membership**

Each member of the Council shall serve for a 3-year term without regard to title 5.

**(d) Appointment of members**

**(1) In general**

The Council shall be composed of—

(A) six members who possess<sup>1</sup> such skills and qualifications so as to be representative of—

(i) rural and urban populations; and

(ii) national organizations with an interest in young individuals, families, early childhood development, elementary and secondary education, business, labor, minorities, and the general public;

(B) six members who are representatives of public, State or local agencies that serve children, youth and their families and include representatives of child welfare and child mental health agencies; and

(C) six members who are cabinet-level representatives of Federal agencies that have responsibility for programs relating to children, youth and families.

**(2) Age of members**

At least one of the individuals appointed to the Council under paragraph (1)(A) shall be under the age of 21 at the time of such appointment.

**(3) Appointing authority**

Of the members of the Council who are appointed under paragraph (1)—

(A) six of the members described under subparagraphs (A) and (B) shall be appointed by the President pro tempore of the Senate on the recommendation of the Majority and Minority Leaders of the Senate;

(B) six of the members described under subparagraphs (A) and (B) shall be appointed by the Speaker of the House of Representatives on the recommendation of the Majority and Minority Leaders of the House of Representatives; and

(C) the members described under subparagraph (C) shall be appointed by the President.

**(e) Vacancy**

**(1) Filling vacancy**

A vacancy on the Council shall be filled in the same manner in which the original appointment was made.

**(2) Powers of board<sup>2</sup>**

A vacancy on the Council shall not affect the powers of the Council.

**(3) Term of appointment**

A member of the Council who is appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

**(f) Reappointment**

Each member of the Council shall be eligible for reappointment to the Council.

**(g) Expiration of term**

Each member of the Council may serve after the expiration of the term of membership until the successor of such member has taken office.

<sup>1</sup> So in original. Probably should be “possess”.

<sup>2</sup> So in original. Probably should be “Council”.

**(h) Travel expenses**

Each member of the Council, while serving on business of the Council away from the home or regular place of business of such member, may be allowed subsistence in the same manner as the expenses authorized by section 5703 of title 5 for individuals in the Government service employed intermittently.

**(i) Chairperson**

The President shall designate the Secretary of Health and Human Services to serve as the Chairperson of the Council. In the event that the Secretary chooses to designate the functions of Chairperson under this subsection, such designation may only be made to the Commissioner.

**(j) Meetings**

Not less than once during each 6-month period, the Chairperson of the Council shall call a meeting of the Council.

**(k) Duties of Council**

The Council shall—

(1) advise and assist the President on matters relating to the special needs of young individuals;

(2) review, evaluate, and inventory on a continuing basis Federal policies, programs and other activities affecting young individuals that are conducted or assisted by all Federal departments and agencies for the purpose of appraising the value and the impact of such policies, programs, and activities on the lives of young individuals, and of identifying duplication of services for young individuals and the families of such individuals;

(3) make recommendations to the President, the Secretary, the Commissioner, the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate concerning changes in such policies and programs that can streamline services, reduce duplication of services and encourage the coordination of services provided to young individuals and the families of such individuals at the State and local level;

(4) provide public forums, including public hearings, conferences, workshops, and other meetings, for discussing and publicizing the problems and needs of young individuals and obtaining information relating to such individuals;

(6)<sup>3</sup> identify program regulations, practices, and eligibility requirements that impede coordination and collaboration and make recommendations for their modifications or elimination; and

(7) develop recommendations for creating jointly funded programs, unified assessments, eligibility, and application procedures, and confidentiality protections that facilitate information sharing.

**(l) Staff**

The Chairperson shall appoint staff personnel to assist the Chairperson in carrying out the duties required under subsection (k) of this section.

**(m) Information and assistance**

The head of each Federal department and agency shall make available to the Chairperson such information and other assistance as the Chairperson may require to carry out the duties required under subsection (k) of this section.

**(n) Reports****(1) Submission to the President**

In fiscal year 1992 and each fiscal year thereafter, the Chairperson shall prepare and submit—

(A) interim reports as the Chairperson considers to be appropriate; and

(B) an annual report of the findings and recommendations of the Council concerning the matters described in paragraphs (2) and (3) of subsection (k) of this section;

to the President not later than March 31 of each year.

**(2) Review and submission to Congress****(A) Comments and recommendations**

The President may make comments and recommendations concerning reports submitted under paragraph (1).

**(B) Submission to Congress**

The President shall submit such comments, recommendations, and reports to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

**(o) Authorization of appropriation**

There are authorized to be appropriated to carry out this section \$200,000 for each of the fiscal years 1995 through 1998.

**(p) Termination**

The Council shall terminate on September 30, 1998.

(Pub. L. 101-501, title IX, §918, Nov. 3, 1990, 104 Stat. 1265; Pub. L. 103-252, title IV, §402(a), May 18, 1994, 108 Stat. 672.)

## AMENDMENTS

1994—Subsec. (k)(6), (7). Pub. L. 103-252, §402(a)(1), added pars. (6) and (7).

Subsec. (o). Pub. L. 103-252, §402(a)(2), substituted “1995 through 1998” for “1991 through 1994”.

Subsec. (p). Pub. L. 103-252, §402(a)(3), substituted “1998” for “1995”.

## CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (n)(2)(B) of this section is listed as the

<sup>3</sup> So in original. No par. (5) has been enacted.

last item on page 18), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12302 of this title.

### § 12315. Administration

#### (a) Duties of Commissioner

In carrying out this subchapter, the Commissioner is authorized to—

- (1) provide consultative services, technical assistance, and short-term training to the independent State bodies;
- (2) conduct research and demonstrations;
- (3) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this subchapter;
- (4) provide staff and other technical assistance to the Council;
- (5) evaluate the effectiveness of programs authorized under this subchapter and periodically publish analyses of the results of such evaluations; and
- (6) not later than 180 days after the end of each fiscal year, prepare and submit, to the President and the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate, a report concerning the activities carried out under this subchapter and concerning such other activities as the Secretary determines appropriate.

#### (b) Utilization of services and facilities

##### (1) In general

Subject to agreements made between the Commissioner and the head of such agency or organization, in carrying out the duties referred to in subsection (a) of this section the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organizations.<sup>1</sup>

##### (2) Payment

The Commissioner may pay for such services and facilities, in advance or by way of reimbursement, as may be provided in such agreement.

#### (c) Reservation of funds

Of the aggregate amount appropriated to carry out this chapter in any fiscal year, the Secretary may reserve not more than 10 percent for salaries and expenses of the Administration on Children, Youth, and Families related to the administration of this chapter.

(Pub. L. 101-501, title IX, §919, Nov. 3, 1990, 104 Stat. 1267.)

#### CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Rep-

resentatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12340 of this title.

### PART B—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES

#### § 12331. Purpose

It is the purpose of this part to encourage and assist State and local agencies to coordinate resources, reduce barriers to services, and develop new capacities to ensure that State and community services designed to serve children, youth, and families are more effective and comprehensive.

(Pub. L. 101-501, title IX, §925, Nov. 3, 1990, 104 Stat. 1268.)

#### § 12332. Definitions

As used in this part:

##### (1) Community referral services

The term “community referral services” means services to assist families in obtaining community resources, including health care, mental health care, employability development and job training, and other social services.

##### (2) Core services

The term “core services” means—

- (A) educational and support services provided to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children; and
- (B) the early developmental screening of children to assess any needs of such children and to identify specific types of support that may be provided;
- (C) outreach services;
- (D) community referral services; and
- (E) follow up services.

##### (3) Follow up services

The term “follow up services” means services provided to ensure that necessary services are received by families and are effective in meeting their needs.

##### (4) Independent State body

The term “independent State body” means the entity established under section 12336 of this title.

##### (5) Lead agency

The term “lead agency” means an existing State agency, or other public or nonprofit private entity designated by the chief executive officer of the State as the agency responsible for the development and implementation of local family resource and support programs. Such agency shall have demonstrated ability to work with other State and community based agencies, to provide training and tech-

<sup>1</sup> So in original. Probably should be “organization.”

nical assistance, and shall also have a commitment to parental participation in the design and administration of family resource and support programs.

**(6) Other services**

The term “other services” and “other support services” includes—

- (A) child care, early childhood development and intervention programs;
- (B) employability development services (including skill training);
- (C) educational services, such as scholastic tutoring, literacy training, and General Educational Degree (GED) services;
- (D) nutritional education;
- (E) life management skills training;
- (F) peer counseling and crisis intervention, family violence counseling and referrals for such services;
- (G) referral for substance abuse counseling and treatment referral; and
- (H) referral for primary health and mental health services.

**(7) Outreach services**

The term “outreach services” means services provided to ensure (through home visits or other methods) that parents are aware of and able to participate in family resource and support program activities.

(Pub. L. 101-501, title IX, §926, Nov. 3, 1990, 104 Stat. 1268.)

**§ 12333. Establishment of programs**

The Commissioner shall make grants—

(1) in each State under section 12337 of this title to improve State planning and coordination of services, and under section 12338 of this title to expand supportive services, in order to promote the availability of developmental, preventive, and remedial services to children, youth and their families that are designed to ensure—

- (A) adequate and safe physical shelter whether in their own homes or, if necessary, in out-of-home programs;
- (B) high quality physical and mental health care;
- (C) the enhancement of the development of children to ensure that children enter school prepared and ready to learn;
- (D) highest quality educational opportunity;
- (E) effective training and apprenticeships to increase the likelihood of employment;
- (F) opportunities for community service and productive employment, and for participation by children and youth in decisions affecting the lives of such children and youth; and
- (G) a wide range of civic, cultural, and recreational activities that recognize young individuals as resources and promote self-esteem and a sense of community; and

(2) to States on a competitive basis under section 12339<sup>1</sup> of this title to establish family resource programs (including family support

centers) in order to enhance the ability of families to remain together and to thrive through the provision of community based services that—

- (A) promote and build family and parenting skills;
- (B) promote and assist families in the use of formal and informal family support services;
- (C) create a support network to strengthen and reinforce good parenting; and
- (D) are closely linked with, but not duplicative of, other community resources.

(Pub. L. 101-501, title IX, §927, Nov. 3, 1990, 104 Stat. 1269.)

REFERENCES IN TEXT

Section 12339 of this title, referred to in par. (2), was repealed by Pub. L. 103-252, title IV, §401(b)(1), May 18, 1994, 108 Stat. 672.

**§ 12334. Administration**

**(a) In general**

The Commissioner shall administer programs under this part through the Administration on Children, Youth, and Families.

**(b) Technical assistance**

In carrying out this part, the Commissioner may request the technical assistance and cooperation of the Secretary of Education, the Secretary of Labor, the Attorney General, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Director of the Office of Community Services, and such other agencies and departments of the Federal Government as may be appropriate.

(Pub. L. 101-501, title IX, §928, Nov. 3, 1990, 104 Stat. 1269.)

**§ 12335. State plan**

**(a) Submission of plan**

The chief executive officer of a State, in order to be eligible for grants from an allotment under section 12337, 12338, or 12339<sup>1</sup> of this title for any fiscal year, shall prepare and submit to the Commissioner a State plan for a 3-year period.

**(b) Revisions of plan**

Each chief executive officer of a State may make annual revisions of the State plan referred to in subsection (a) of this section.

**(c) Content of plan**

The chief executive officer of a State shall include within the State plan of that State assurances as required under sections<sup>2</sup> 12337, 12338, or 12339<sup>1</sup> of this title, and a description of the proposed multi-year plans of the State for program development and implementation.

**(d) Type of application**

A State may apply for funds under one or more of the following categories:

- (1) section 12337 of this title;
- (2) sections 12337 and 12338 of this title jointly; or

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be “section”.

<sup>1</sup> See References in Text note below.

(3) section 12339<sup>1</sup> of this title.

In the case of each category, the State application and plan shall comply only with the requirements of the appropriate section.

**(e) Approval of plan**

**(1) In general**

The Commissioner shall approve any State plan under sections 12337 and 12338 of this title that the Commissioner determines meets the requirements of such sections.

**(2) Notice and opportunity to correct deficiencies**

The Commissioner shall not make a final determination disapproving any State plan, modifying such plan, or declaring a State to be ineligible to receive funds under sections 12337 and 12338 of this title without previously affording such State reasonable notice and opportunity to correct deficiencies in its application.

(Pub. L. 101-501, title IX, §929, Nov. 3, 1990, 104 Stat. 1270.)

REFERENCES IN TEXT

Section 12339 of this title, referred to in subsecs. (a), (c), and (d)(3), was repealed by Pub. L. 103-252, title IV, §401(b)(1), May 18, 1994, 108 Stat. 672.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12340 of this title.

**§ 12336. Independent State body**

**(a) Designation**

A State shall not be eligible to receive a grant from an allotment under section 12337 or 12338 of this title unless—

(1) the chief executive officer of such State designates an independent State body that is composed of—

(A) cabinet level representatives from each agency of such State that has responsibilities for programs affecting young individuals who shall comprise a majority of the independent State body; and

(B) individuals appointed from among—

(i) private nonprofit providers of services to young individuals;

(ii) advocacy and citizens groups concerned with young individuals;

(iii) committees of the legislature of such State that have responsibility for young individuals;

(iv) leaders who are young individuals, including such leaders who are recipients of services provided under this subchapter;

(v) representatives of the business community;

(vi) representatives of employees of providers of services to young individuals;

(vii) representatives of general purpose local government; and

(viii) such staff as shall be necessary to—

(I) develop a State plan to be submitted to the Commissioner for approval under section 12337 of this title;

(II) administer and monitor the State plan within such State;

(III) assist in the coordination of all State activities related to the purpose of the chapter;

(IV) serve as an effective and visible advocate for young individuals by reviewing and commenting on all State plans, budgets, and policies that affect such individuals and the families of such individuals by providing technical assistance to any agency, organization, association, or individual representing the needs of young individuals; and

(2) the independent State body designated under paragraph (1)—

(A) develops a system for the distribution within the State of funds received under sections 12337 and 12338 of this title by the chief executive officer;

(B) submits a description of such system to the Commissioner for review and comment; and

(C) ensures that preference will be given in such distribution of funds to developing or supporting local service delivery systems that—

(i) provide a range of services organized to tailor responses to needs rather than a predetermined array of services;

(ii) are rooted in and part of the communities that such systems are designed to serve as measured by the degree to which public and private community leaders and young individuals participate in the planning of such systems; and

(iii) demonstrate an ability to develop systematic collaboration among service providers on behalf of children, youth and families, including joint planning, joint financing, joint service delivery, common intake and assessment, and other arrangements that promote more effective service systems for such individuals.

**(b) Existing entity**

The Commissioner may approve a State plan in which the chief executive officer of the State designates as the independent State body an existing State entity that is comprised of the parties described in subsection (a) of this section and that is authorized to conduct the same range of interagency planning and coordination activities.

(Pub. L. 101-501, title IX, §930, Nov. 3, 1990, 104 Stat. 1270.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12332, 12338 of this title.

**§ 12337. State coordination of services**

**(a) Authority**

The Commissioner shall make grants under this section to States on a formula basis for the purpose of improving the coordination of services provided to children, youth, and families.

**(b) Application**

To be eligible to receive a grant under this section, the chief executive officer of a State shall prepare and submit to the Commissioner



an application containing a plan providing assurances that—

(1) the independent State body is committed to interagency planning that results in state-wide policies promoting systematic collaboration among agencies on behalf of young individuals as demonstrated by joint planning, joint financing, joint service delivery, common intake and assessment, and other arrangements that reduce barriers to services and promote more effective local service delivery systems for young individuals;

(2) such plan will be based on needs as identified through an analysis of updated reports (such as “State of the Child” reports) prepared by the State, including detailed information gathered by the State, to the extent practicable, on young individuals and the families of such individuals concerning—

(A) age, sex, race, and ethnicity;

(B) the residences of such individuals;

(C) the incidence of homelessness among such individuals;

(D) the composition of families of such individuals;

(E) the economic situations of such individuals;

(F) the incidence of poverty among such individuals;

(G) experiences in the care of such individuals away from home;

(H) the health of such individuals;

(I) violence in the homes or communities of such individuals;

(J) the nature of the attachment of such individuals to school and work;

(K) dropout rates of such individuals from school; and

(L) the character of the communities in which such individuals reside;

(3) the system to be used for the distribution of funds within the State will require that—

(A) each area have an equal opportunity to apply for or receive funds under this part; and

(B) the public be given an opportunity to express views concerning the development and administration of such plan;

(4) the independent State body will provide an inventory of existing public and private services for children, youth and their families and will evaluate the need for supportive services within the State to address the purposes of this chapter and determine the extent to which existing public and private programs meet such need;

(5) the independent State body will make such reports, in such form, and containing such information, as the Commissioner may require;

(6) such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under this part to the chief executive officer of the State, including any such funds paid to the recipients of a grant or contract;

(7) the independent State body will conduct periodic evaluations of activities and projects carried out pursuant to this section and sec-

tion 12338 of this title and will report the results and recommendations to the chief executive officer of the State and the State legislature;

(8) the chief executive officer of the State will provide technical assistance or in-service training opportunities for personnel responsible for carrying out the purposes of this section and section 12338 of this title; and

(9) the chief executive officer of each State will provide for the implementation of the requirements of section 12338 of this title, relating to supportive services.

#### **(c) Use of grants to States**

Notwithstanding section 12340(g) of this title, the amounts made available to each State under section 12340(a) of this title may be used to make grants to a State to enable such State to pay such percentages as the independent State body of such State determines to be appropriate, of the cost of administering the State plan of such State including—

(1) the costs of the preparation of such plan and the provision of technical assistance to local areas;

(2) the costs of the evaluation of activities carried out under such plan;

(3) the costs of the collection of data and the carrying out of analyses related to the need for supportive services within the State;

(4) the costs of the dissemination of information obtained under paragraph (3); and

(5) the costs of the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this part.

#### **(e)<sup>1</sup> Supplement not supplant**

Amounts received by a State under this section and section 12338 of this title shall be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the purposes for which grants are made under this section and section 12338 of this title. In no event shall such expenditures be used to satisfy the matching requirements of any other Federal program.

#### **(f) Relationship to family resource and support program grants**

If a State intends to apply for a grant under section 12339<sup>2</sup> of this title to be used for the same calendar year as the grant under this section, such State shall include in the application for a grant under this section a description of plans for family resource and support programs and for the coordination of the use of all funds received under this part.

(Pub. L. 101-501, title IX, §931, Nov. 3, 1990, 104 Stat. 1271.)

#### **REFERENCES IN TEXT**

Section 12339 of this title, referred to in subsec. (f), was repealed by Pub. L. 103-252, title IV, §401(b)(1), May 18, 1994, 108 Stat. 672.

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 12333, 12335, 12336, 12338, 12340 of this title.

<sup>1</sup> So in original. No subsec. (d) has been enacted.

<sup>2</sup> See References in Text note below.

**§ 12338. Supportive services****(a) Authority**

The Commissioner shall carry out a program for making grants to a State, that has designated an independent State body under section 12336 of this title and provided for coordinated services under section 12337 of this title, for distribution by the chief executive officer under a State plan approved under section 12337 of this title to demonstrate successful program approaches to fill service gaps identified through State planning and advocacy efforts for any of the areas specified in paragraph (2).

**(b) Eligible services**

The services eligible to be provided under subsection (a) of this section are services—

(1) that are designed to facilitate the provision of comprehensive community based services that are efficient, coordinated, and readily available through such activities as case planning, case management, intake and assessment, and information and referral; and

(2) that serve any of the following purposes—

(A) provide adequate and safe physical shelter to young individuals and the families of such individuals, especially in emergency circumstances;

(B) provide transitional living services to young individuals who are homeless;

(C) enable young individuals to attain and maintain physical and mental well-being;

(D) provide health screening to detect or prevent illnesses, or both, that occur most frequently in young individuals as well as better treatment and counseling;

(E) enhance the development of children to ensure that such children enter school prepared and ready to learn;

(F) promote the highest quality of educational opportunity, especially through drop-out prevention programs, remediation for young individuals who have dropped out of school, and vocational education;

(G) provide effective training apprenticeships and employment opportunities;

(H) promote participation in community service and civic, cultural, and recreational activities that value young individuals as resources and promote self-esteem and a stake in the community;

(I) promote the participation of young individuals in decisions concerning planning and managing the lives of such individuals;

(J) encourage young individuals and the families of such individuals to use any community facilities and services that are available to such individuals;

(K) ensure that young individuals who are unable to live with the biological families of such individuals have a safe place to live until such individuals can return home or move into independent adult life; and

(L) prevent the abuse, neglect, or exploitation of young individuals.

(Pub. L. 101-501, title IX, §932, Nov. 3, 1990, 104 Stat. 1273.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 12333, 12335, 12336, 12337, 12340 of this title.

**§ 12339. Repealed. Pub. L. 103-252, title IV, § 401(b)(1), May 18, 1994, 108 Stat. 672**

Section, Pub. L. 101-501, title IX, §933, Nov. 3, 1990, 104 Stat. 1274, related to grants to States for purpose of implementing family resource and support programs.

**§ 12340. Authorization of appropriation and allotment****(a) Administration on Children, Youth, and Families; State coordination; supportive services****(1) Authorization of appropriations**

There are authorized to be appropriated to carry out sections 12337 and 12338 of this title such sums as may be necessary for each of the fiscal years 1995 through 1998.

**(2) Availability of appropriation**

Of the amount appropriated under paragraph (1) for any fiscal year—

(A) not more than 10 percent shall be available to carry out section 12315 of this title; and

(B) not less than 90 percent shall be available to carry out sections 12337 and 12338 of this title.

**(3) Allotment formula**

Except as provided in paragraph (4), from the amount available under paragraph (2)(B) for each fiscal year, a State shall be allotted an amount that bears the same ratio to the amount appropriated for such fiscal year as the population of the State that is under the age of 21 bears to the population of all States that is under the age of 21.

**(4) Exceptions****(A) In general**

Except as provided in subparagraph (B) and subject to the availability of appropriations under paragraph (1), no State shall be allotted less than \$300,000 under the formula established under paragraph (3).

**(B) Limitation on allotment**

Notwithstanding subparagraph (A), Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than \$75,000 under the formula established under paragraph (2).

**(b) Determination of age**

The number of individuals under the age of 21 in each State shall be determined by the Commissioner on the basis of the most recent data available to the Commissioner.

**(c) Transfer of allotted funds**

Whenever the Commissioner determines that—

(1) any amount allotted to a State for a fiscal year under section 12337 or 12338 of this title will not be used by such State for carrying out the purpose for which such allotment was made; or

(2) a State has failed to qualify under the State plan required under section 12335 of this title;

the Commissioner shall make such allotment available for carrying out such purposes to

other participating States in a proportional manner based on the relative population of the State of individuals under the age of 21.

**(d) Repealed. Pub. L. 103-252, title IV, § 402(b)(2), May 18, 1994, 108 Stat. 673**

**(e) Limitation**

A State shall not use in excess of 10 percent of a grant awarded under section 12338 or 12339<sup>1</sup> of this title for administrative activities at the State level.

**(f) Grants for Indians**

The Commissioner shall use 1 percent of the amount appropriated under this section for each fiscal year to make allotments to Indian tribes and tribal organizations (such terms having the same meaning given to such terms in section 450b(b) and (c)<sup>1</sup> of title 25) that submit to the Commissioner a plan that meets criteria consistent with the provisions of this part and that comply with other requirements established by the Commissioner.

**(g) Limitation**

Grants made under this subchapter may be used to pay not more than 80 percent of the cost of—

- (1) the preparation, administration, and evaluation of State plans under section 12337 of this title;
- (2) the development of comprehensive, efficient, coordinated supportive services under section 12338 of this title; and
- (3) the development, expansion, and operation of local family support and resource programs under section 12339<sup>1</sup> of this title.

The remaining 20 percent of such cost shall be paid by the State with funds from non-Federal sources.

(Pub. L. 101-501, title IX, §934, Nov. 3, 1990, 104 Stat. 1277; Pub. L. 103-252, title IV, § 402(b), May 18, 1994, 108 Stat. 673.)

REFERENCES IN TEXT

Section 12339 of this title, referred to in subsecs. (e) and (g)(3), was repealed by Pub. L. 103-252, title IV, § 401(b)(1), May 18, 1994, 108 Stat. 672.

Section 450b of title 25, referred to in subsec. (f), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms “Indian tribe” and “tribal organization”. However, such terms are defined elsewhere in that section.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-252, § 402(b)(1), amended par. (1) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out sections 12315, 12337, and 12338 of this title, \$30,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992, 1993, and 1994. Funds appropriated under this paragraph shall remain available for expenditure in the fiscal year succeeding the fiscal year for which such funds are appropriated.”

Subsec. (d). Pub. L. 103-252, § 402(b)(2), struck out heading and text of subsec. (d). Text read as follows: “There are authorized to be appropriated to carry out section 12339 of this title, \$30,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994.”

<sup>1</sup> See References in Text note below.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12337 of this title.

PART C—NATIONAL CLEARINGHOUSE

**§ 12351. Findings and purpose**

**(a) Findings**

Congress finds that—

(1) fundamental changes in the demographics and economics of family life in the United States over the past 20 years have had a profound effect on children and their parents;

(2) since 1966, the number of women working outside the home has increased by 92 percent and the number of two earner families has increased by over 50 percent;

(3) 61 percent of the children born today will live in a single-parent family before reaching the age of 20, with one out of every three single female heads of households living on income below the Federal poverty level;

(4) one out of every four children under the age of 6 in the United States currently lives below the Federal poverty level;

(5) over the past 10 years, parents have increasingly come together with other parents to organize family resource and support programs that promote healthy child development and increase parental competency, particularly families at risk; and

(6) Federal investment in promoting the development of family resource and support programs will reap long-term benefits for individual families and the nation as a whole.

**(b) Purpose**

It is the purpose of this part<sup>1</sup> to—

(1) stimulate the development and expansion of family resource and support programs that are prevention oriented;

(2) encourage early intervention of such programs with families to ameliorate problem situations before such situations become crises; and

(3) assist parents in enhancing their children's development to ensure that their children enter school prepared and ready to learn.

(Pub. L. 101-501, title IX, §956, Nov. 3, 1990, 104 Stat. 1278.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), was in the original “this Act”, and was translated as reading “this chapter”, meaning chapter 3 (§§955-960) of subtitle A of title IX of Pub. L. 101-501, known as the Family Resources Act, to reflect the probable intent of Congress.

**§ 12352. “Family resource and support programs” defined**

As used in this part, the term “family resource and support programs” means commu-

<sup>1</sup> See References in Text note below.

nity-based services that offer sustained assistance to families at various stages in their development. Such services shall promote parental competencies and behaviors that will lead to the healthy and positive personal development of parents and children through—

(1) the provision of assistance to build family skills and assist parents in improving their capacities to be supportive and nurturing parents;

(2) the provision of assistance to families to enable such families to use other formal and informal resources and opportunities for assistance that are available within the communities of such families; and

(3) the creation of supportive networks to enhance the childrearing capacity of parents and assist in compensating for the increased social isolation and vulnerability of families.

(Pub. L. 101-501, title IX, §957, Nov. 3, 1990, 104 Stat. 1278.)

### **§ 12353. Establishment of National Center on Family Resource and Support Programs**

#### **(a) Establishment**

The Commissioner shall establish, through grant or contract, a national center for the collection and provision of programmatic information and technical assistance that relates to all types of family resource and support programs, to be known as the “National Center on Family Resource and Support Programs”.

#### **(b) Functions**

The national center established under subsection (a) of this section shall serve as a national information and data clearinghouse, training, technical assistance, and material development source for family resource and support programs. Such center shall—

(1) develop and maintain a system for disseminating information on all types of family resource and support programs and on the state of family resource and support program development, including information concerning the most effective model programs;

(2) develop and sponsor a variety of training institutes and curricula for family resource and support program staff;

(3) identify several programs representing the various types of family resource and support programs to develop technical assistance materials and activities to assist other agencies in establishing family resource and support programs; and

(4) develop State-wide networks of family resource and support programs for the purpose of sharing and disseminating information.

(Pub. L. 101-501, title IX, §958, Nov. 3, 1990, 104 Stat. 1279; Pub. L. 103-252, title IV, §403(a), May 18, 1994, 108 Stat. 673.)

#### **AMENDMENTS**

1994—Subsec. (b)(3). Pub. L. 103-252 substituted “several programs” for “several model programs”.

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 12355 of this title.

### **§ 12354. Evaluation**

The Commissioner shall, through grants or contracts awarded or entered into with independent auditors, conduct evaluations and related activities, of family resource and support programs, including—

(1) evaluations of on-going programs;

(2) process evaluations focusing on implementation strategies; and

(3) the development of simple evaluation models for use by local family resource and support programs.

(Pub. L. 101-501, title IX, §959, Nov. 3, 1990, 104 Stat. 1279.)

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 12355 of this title.

### **§ 12355. Authorization of appropriations**

#### **(a) Establishment of Center**

To carry out section 12353 of this title, there are authorized to be appropriated \$2,000,000 for each of the fiscal years 1995 through 1998.

#### **(b) Evaluation**

To carry out section 12354 of this title, there are authorized to be appropriated \$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998.

(Pub. L. 101-501, title IX, §960, Nov. 3, 1990, 104 Stat. 1279; Pub. L. 103-252, title IV, §403(b), May 18, 1994, 108 Stat. 673.)

#### **AMENDMENTS**

1994—Subsec. (a). Pub. L. 103-252, §403(b)(1), substituted “\$2,000,000 for each of the fiscal years 1995 through 1998” for “\$2,300,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994”.

Subsec. (b). Pub. L. 103-252, §403(b)(2), substituted “\$1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1998” for “\$700,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994”.

### **SUBCHAPTER II—WHITE HOUSE CONFERENCE ON CHILDREN, YOUTH, AND FAMILIES**

### **§ 12371. Findings**

#### **(a) Findings**

The Congress finds that—

(1) children and youth are inherently our most valuable resource and their welfare, protection, healthy development, and positive role in society are essential to the Nation;

(2) children and youth deserve love, respect, and guidance, as well as good health, shelter, food, education, productive work, and preparation for responsible participation in community life;

(3) an increasing opportunity for children and youth to participate in the decisions that affect their lives is essential;

(4) the family is the primary caregiver and the source of social learning which must be supported and strengthened, but when families

are unable to ensure the satisfaction of the needs of children and youth, it is society's responsibility to assist them;

(5) at a minimum, all children and youth need and deserve access to—

(A) the best possible physical and mental health;

(B) adequate and safe physical shelter;

(C) the highest quality of educational opportunity;

(D) effective training, apprenticeships, opportunities for community service, and productive employment;

(E) the widest range of civic, cultural, and recreational activities which recognize young Americans as resources and promote self-esteem and a stake in their communities;

(F) comprehensive community services which are efficient, coordinated, and readily available; and

(G) genuine participation in decisions concerning the planning and managing of their lives; and

(6) there is a great need for a comprehensive national policy with respect to young individuals, designed to engage Federal, State, and local government agencies, youth organizations, and other voluntary organizations.

#### **(b) Statement of policy**

It is the policy of the Congress that the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenge and needs of young individuals.

(Pub. L. 101-501, title IX, §982, Nov. 3, 1990, 104 Stat. 1280.)

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 12372 of this title.

### **§ 12372. Authority of President and Secretary; final report**

#### **(a) Calling of Conference**

The President shall call a White House Conference on Children, Youth, and Families in 1993 in order to develop recommendations for further action in the field of children, youth, and families which will further the policy set forth in section 12371(b) of this title. The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner and with the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

#### **(b) Purposes of Conference**

The purposes of the Conference shall be—

(1) to increase the public awareness of the value and needs of young individuals;

(2) to examine the well-being of young individuals as well as the problems which they face;

(3) to describe the extent to which young individuals with identified needs do not receive services to meet such needs;

(4) to determine the reasons why young individuals are not receiving needed services; and

(5) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to improve the well-being of youth and their families.

#### **(c) Conference participants and delegates**

##### **(1) Participants**

In order to carry out the purposes of the Conference, the Conference shall bring together—

(A) representatives of Federal, State, and local governments, including representatives of the General Accounting Office;

(B) professionals who are working in the field of children, youth, and families; and

(C) representatives of the general public, particularly young individuals.

##### **(2) Selection of delegates**

The delegates to attend the Conference shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of children, youth, and families.

(Pub. L. 101-501, title IX, §983, Nov. 3, 1990, 104 Stat. 1280.)

### **§ 12373. Conference administration**

#### **(a) Administration**

For purposes of carrying out this subchapter, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate;

(2) furnish all reasonable assistance to State agencies administering programs related to children, youth and families, and to other appropriate organizations, to enable them to organize and conduct conferences in conjunction with the Conference;

(3) prepare and make available for public comment a proposed agenda for the Conference which reflects, to the greatest extent possible, the major issues facing children, youth, and families consistent with subsection (a) of this section;

(4) prepare and make available background materials which the Secretary deems necessary for the use of delegates to the Conference; and

(5) engage such additional personnel as may be necessary to carry out this section without regard to provisions of title 5 governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

#### **(b) Duties**

The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, ensure that—

(1) the conferences under subsection (a)(2) of this section will be conducted so as to ensure broad participation of young individuals;

(2) the proposed agenda for the Conference under subsection (a)(3) of this section is published in the Federal Register not less than 180 days before the beginning of the Conference

and the proposed agenda is open for public comment for a period of not less than 60 days;

(3) the final agenda for the Conference, taking into consideration the comments received under paragraph (2), is published in the Federal Register and transmitted to the chief executive officers of the States not later than 30 days after the close of the public comment period provided for under paragraph (2);

(4) the personnel engaged under subsection (a)(5) of this section shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities;

(5) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference; and

(6) to the extent practicable, current and adequate statistical data (including decennial census data) and other information on the well-being of young individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to children and youth. In carrying out this subparagraph, the Secretary may make grants to, and enter into contracts with, public agencies and nonprofit private organizations.

(Pub. L. 101-501, title IX, §984, Nov. 3, 1990, 104 Stat. 1281.)

#### REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a)(5), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

### § 12374. Conference committees

#### (a) Advisory committee

The Secretary shall establish an advisory committee to the Conference which shall include representatives from the Federal Council on Children, Youth, and Families, public agencies and nonprofit private organizations as appropriate.

#### (b) Other committees

The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing of the Conference.

#### (c) Composition of committees

Each committee established under this section shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups.

#### (d) Compensation

Members of any committee established under this section (other than any officers or employees of the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily rate payable for GS-18 of the

General Schedule under section 5332 of title 5 (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

(Pub. L. 101-501, title IX, §985, Nov. 3, 1990, 104 Stat. 1282.)

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 12375. Report of Conference

#### (a) Proposed report

A proposed report of the Conference which shall include a statement of comprehensive coherent national policy on children, youth, and families together with recommendations for the implementation of such policy, shall be published and submitted to the chief executive officers of the States not later than 180 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be available immediately to the public.

#### (b) Response to proposed report

The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the proposed report of the Conference, shall submit to the Secretary, not later than 180 days after receiving such report, their views and findings on the recommendations of the Conference.

#### (c) Final report

Not later than 180 days after submission of the views and comments of the chief executive officers of the States, the Secretary shall—

(1) prepare a final report on the conference, which shall include—

(A) a statement of the policy and recommendations of the Conference;

(B) the views and comments of the chief executive officers of the States; and

(C) the recommendations of the Secretary, after taking into consideration the views and comments of such officers, for administrative and legislative action necessary to implement the recommendations of the Conference; and

(2) publish and transmit such report to the President and the chairman of the Committee on Education and Labor of the House of Representatives and chairman of the Committee on Labor and Human Resources of the Senate.

(Pub. L. 101-501, title IX, §986, Nov. 3, 1990, 104 Stat. 1282.)

#### CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Economic and Educational Opportunities of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Fifth Congress, Jan. 7, 1997.

### § 12376. Definitions

For purposes of this subchapter—

(1) the term “Conference” means the 1993 White House Conference on Children, Youth, and Families; and

(2) the terms “child”, “youth”, and “young individual” means<sup>1</sup> an individual who is less than 21 years of age.

(Pub. L. 101-501, title IX, §987, Nov. 3, 1990, 104 Stat. 1283.)

### § 12377. Authorization of appropriations

#### (a) Authorization

There are authorized to be appropriated such sums as may be necessary, for each of the fiscal years 1993 and 1994, to carry out this subchapter. Sums appropriated under this subsection shall remain available until the expiration of the 1-year period beginning on the date the Conference is adjourned. New spending authority or authority to enter into contracts as provided in this subchapter shall be effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

#### (b) Return of unexpended funds

Any funds remaining upon the expiration of the 1-year period referred to in subsection (a) of this section shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

(Pub. L. 101-501, title IX, §988, Nov. 3, 1990, 104 Stat. 1283.)

## CHAPTER 128—HYDROGEN RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM

Sec.

12401. Finding, purposes, and definitions.

(a) Finding.

(b) Purposes.

(c) Definitions.

12402. Report to Congress.

12403. Hydrogen research and development.

(a) Program.

(b) Research.

(c) Innovative energy technologies.

(d) Renewable energy systems; hybrid systems.

Sec.

(e) Information.

(f) Federal funding.

(g) Non-Federal funding.

(h) Prohibition on duplicative efforts.

(i) Federal funding consistent with the Agreement on Subsidies and Countervailing Measures.

12404. Demonstrations.

(a) Requirement.

(b) Small-scale demonstrations.

(c) Non-Federal funding.

12405. Technology transfer program.

(a) Program.

(b) Information.

12406. Coordination and consultation.

(a) Secretary's responsibility.

(b) Assistance.

(c) Consultation.

12407. Technical panel.

(a) Establishment.

(b) Membership.

(c) Cooperation.

(d) Review.

(e) Support.

12408. Authorization of appropriations.

### § 12401. Finding, purposes, and definitions

#### (a) Finding

Congress finds that it is in the national interest to accelerate efforts to develop a domestic capability to economically produce hydrogen in quantities that will make a significant contribution toward reducing the Nation's dependence on conventional fuels.

#### (b) Purposes

The purposes of this chapter are—

(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications;

(2) to direct the Secretary to develop a technology assessment and information transfer program among the Federal agencies and aerospace, transportation, energy, and other entities; and

(3) to develop renewable energy resources as a primary source of energy for the production of hydrogen.

#### (c) Definitions

As used in this chapter, the term:

(1) “critical technology” (or “critical technical issue”) means a technology (or issue) that, in the opinion of the Secretary, requires understanding and development in order to take the next needed step in the development of hydrogen as an economic fuel or storage medium;

(2) “Department” means the Department of Energy; and

(3) “Secretary” means the Secretary of Energy.

(Pub. L. 101-566, §102, Nov. 15, 1990, 104 Stat. 2797; Pub. L. 104-271, title I, §101, Oct. 9, 1996, 110 Stat. 3304.)

#### AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-271, §101(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “to direct the Secretary to prepare a compre-

<sup>1</sup> So in original. Probably should be “mean”.